

Office of the Superintendent
Erroll B. Davis, Jr.
Superintendent
Phone: 404-802-2820
Fax: 404-802-1803

April 20, 2012

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
AND FIRST CLASS U.S. MAIL

Mr. Christopher Waller
[REDACTED]
[REDACTED]

Re: Notice Pursuant to O.C.G.A. §§ 20-2-940, *et seq.*

Dear Mr. Waller:

This letter is official notice that the Atlanta Independent School System (“APS”) intends to terminate your current employment contract on the grounds of: (1) willful neglect of duties; (2) immorality; and (3) other good and sufficient cause. These charges are brought against you by APS under the provisions of O.C.G.A. §§ 20-2-940, *et seq.* (the “Fair Dismissal Act of Georgia”), a copy of which is attached. These charges are based upon: A. CRCT Testing Improprieties; and B. Sexual Harassment.

NOTICE OF CHARGES

A. CRCT TESTING IMPROPRIETIES

In February 2010, the Governor’s Office of Student Achievement (“GOSA”) reported on an erasure analysis of the Spring 2009 Criterion Referenced Competency Test (“CRCT”) answer sheets. According to the analysis, a number of APS schools, including Parks Middle School, showed a significant number of wrong-to-right erasures on answer sheets. Subsequently, the Governor initiated a special investigation of alleged test tampering within APS. The Governor’s investigation included interviews, a review of the erasure analysis, and an analysis of student performance. That report was publicly released on July 5, 2011.

APS has reviewed the Report to the Governor on the Investigative Findings: Atlanta Public Schools 2009 CRCT Cheating (“Special Investigation Report”). It reveals that you committed testing improprieties on the CRCT and had illicit possession of CRCT testing materials. This unethical behavior is unacceptable within APS.

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You are charged with Willful Neglect of Duties, Immorality, and Other Good and Sufficient Cause under O.G.C.A. § 20-2-940. Additionally, you are charged with violations of Atlanta Board of Education (“Board”) Policies: CB (“Administrative Personnel Ethics”), GAGC (“Employee Ethics”), and JFA (“Academic Integrity”). Your actions and inactions with respect to the administration of the CRCT, and subsequent investigation into the same, constitute violations of the Professional Standards Commission Code of Ethics for Educators, “Standard 4: Misrepresentation or Falsification,” “Standard 9: Failure to Make a Required Report,” and “Standard 10: Professional Conduct.” Moreover, your actions and inactions resulted in false and erroneous reporting to the Georgia Department of Education for Parks Middle School’s performance on the 2009 CRCT. The specific allegations against you include, but may not be limited to:

1. In 2009, you coordinated mass cheating at Parks Middle School. Specifically, you directed multiple teachers to leave their classrooms, report to the Testing Coordinator’s office, and to change answers from wrong to right on students’ CRCT answer sheets;
2. In 2009, you directed several teachers at Parks Middle Schools to violate CRCT testing procedures, Board Policies GAGC and JFA, and the Professional Standard Commission’s (“PSC”) Code of Ethics for Educators by instructing teachers to make wrong-to-right erasures on students’ CRCT answer sheets;
3. In 2009, you directed, coordinated, and orchestrated the illicit access of CRCT testing materials. Specifically, you ordered teacher Damany Lewis to enter the Testing Coordinator’s office undetected, remove and open CRCT testing materials prior to the testing week, and distribute these testing materials, all in violation of CRCT testing procedures, Board Policies GAGC and JFA, and the PSC’s Code of Ethics for Educators;
4. In 2009, you instructed teacher Latasha Smiley to reveal correct answers to the CRCT to her students during the administration of the CRCT, in violation of CRCT testing procedures, Board Policies GAGC and JFA, and the PSC’s Code of Ethics for Educators;
5. After the conclusion of the CRCT in 2009, you signed a certification, falsely verifying that no irregularities occurred during the administration of the test;
6. In 2009, you granted Damany Lewis access to Testing Coordinator Dr. Alfred Kiel’s office, for the purpose of committing testing improprieties;
7. During the administration of the 2010 CRCT, you instructed Chynel Walker to enter Megan Eckert’s classroom and to remove a CRCT test booklet, in violation of CRCT testing procedures, Board Policies GAGC and JFA, and the PSC’s Code of Ethics for Educators. Specifically, your direction breached test security and compromised the integrity of the assessment. Furthermore, you failed to report this testing irregularity to Dr. Kiel, Testing Coordinator;

8. In April 2010, you intimidated and coerced Megan Eckert to alter her statement regarding a testing irregularity that occurred in her classroom during the administration of the CRCT. You then submitted this false statement, obtained under duress, to APS administrative officials;
9. During the 2009 CRCT, you knowingly and deliberately removed Dr. Kiel from Parks Middle School under false pretenses to ensure that Parks Middle School teachers could illicitly access CRCT testing materials and commit testing improprieties during his absence;
10. In 2009, you directed the falsification of students' attendance records. Specifically, you, with Sajuana White, Attendance Clerk, altered attendance records to reflect that students were present, when they were not, in order to meet adequate yearly progress;
11. During 2009, while principal at Parks Middle School, you instructed and insisted that teachers ensure academic targets were met by any means necessary, including, but not limited to, criminal conduct and cheating to obtain academic targets;
12. In 2009, you rewarded teachers, whom you knew participated in testing improprieties on the CRCT, with cash bonuses and other monetary awards. For example, you rewarded Crystal Draper with \$1000.000 in cash for having the highest percentage of students pass the CRCT. You did this, knowing the teachers had participated in testing improprieties and knowing that the underlying data, on which the financial rewards were based, was falsified;
13. In 2009, you threatened teachers who did not want to participate in testing improprieties with retaliation;
14. In 2009, you had knowledge of alleged cheating at Parks Middle School and failed to investigate, properly respond to, or report the allegations of cheating in violation of the PSC Code of Ethics for Educators and Board Policies CB, GAGC, and JFA;
15. You directed Damany Lewis, Damien Northern, Crystal Draper, Dorothea Wilson, Latasha Smiley, Starlette Mitchell, Sandra Ward, Adrienne Powell, Charles Mitchell, and Francesca Thompson-Flagler to change answers from wrong to right on 2009 CRCT answer sheets;
16. You used the phrases, "We need those numbers" and "It's time to go," to direct teachers to the Testing Coordinator's office to change CRCT answers from wrong to right. When giving teacher instructions on changing CRCT answers, you also used the phrase, "We don't want those numbers too high;"
17. Although you were aware of the rules, policies, and regulations with respect to the CRCT, you intentionally violated these rules, policies, and regulations when you committed testing infractions at Parks Middle School; and

18. As principal of Parks Middle School, you were responsible for the administration, integrity, and security of the CRCT. You were charged with ensuring that the CRCT was administered in accordance with CRCT testing procedures, Board Policies GAGC and JFA, and the PSC's Code for Ethics of Educators. You intentionally permitted and ordered violations of the rules and policies mentioned herein. Your failures, as detailed in the GOSA Report and the Special Investigation Report, led to the remarkably high standard deviation for the number of wrong-to-right erasures at Parks Middle School. Furthermore, your actions and inactions have detrimentally affected your ability to be an effective teacher or principal in APS;
19. As Principal of Parks Middle School, you were directly responsible for addressing the misconduct of staff at Parks Middle School; you, however, willfully neglected your duties as Principal when you both conspired with and directed employees, many of whom have confessed to cheating on the CRCT, to cheat on the CRCT;
20. As Principal of Parks Middle School, you were directly responsible for the administration of the CRCT at Parks Middle School; you, however, willfully neglected your duties as Principal when you directed, coordinated and permitted cheating on the 2009 CRCT, resulting in eighty-nine and one-half percent (89.5%) of Parks Middle School classrooms to be flagged for cheating by GOSA;
21. When questioned by the GBI in 2011 and 2012, you adamantly, knowingly lied about your involvement in and direction of the cheating on the CRCT at Parks Middle School. You also intentionally lied about your knowledge of the cheating on the CRCT at Parks Middle School;
22. In 2010 and 2011, you directed teachers at Parks Middle School not to participate in the GBI investigation into cheating on the 2009 CRCT;
23. You accepted personal financial rewards, in the form of bonuses and outside awards, knowing that the underlying data, on which the financial rewards were based, was falsified;
24. Your failures caused the misrepresentation of the evaluation of Parks Middle School students to the State Department of Education with respect to the results of the CRCT in 2009;
25. Due to your commission of testing irregularities during the administration of the 2009 CRCT, on October 13, 2012, the PSC found probable cause to believe that you breached the Code of Ethics and recommended the sanction of revocation of your certificate;

B. SEXUAL HARASSMENT

1. Starting in late 2010 or early 2011, you began a devious and inappropriate sexual pursuit of a female employee, Tiara Smith, Data Analyst, Special Education Services;

2. In late 2010 or early 2011, you contacted Shanette Jones, Teacher, and made an inappropriate inquiry regarding a female employee, Tiara Smith. Specifically, you contacted Ms. Jones and stated that you were romantically attracted to Tiara Smith;
3. On or around February 2011, in furtherance of your devious and inappropriate sexual pursuit of Tiara Smith, you approached Ms. Smith multiple times at the Center for Learning and Leadership and held yourself out as her fraternity brother. As a result of this, Ms. Smith provided you her cellular telephone number;
4. On or around March 15, 2011, you called Tiara Smith and invited her out “for drinks,” as part of your sexual pursuit of her;
5. On or around March 15, 2011, in furtherance of your devious and inappropriate sexual pursuit of Tiara Smith, you invited Ms. Smith to your office on Cascade Road in Atlanta, Georgia, using a discussion on career advice and Ms. Smith’s application to Teach for America as a guise. During this meeting, in an attempt to intimidate Ms. Smith, you referenced your ability to influence Ms. Smith’s acceptance into Teach for America. Specifically, you explained that you had close contacts with the Atlanta Director of Teach for America, stating, “If I tell him I want someone to get in, they will get in, and if I say I don’t want someone to get in, they won’t get in;”
6. On or around March 15, 2011, you sexually harassed Tiara Smith when you placed your hand on her right thigh and told her, “Don’t act like you don’t know what’s going on. I have watched you at work and you’re are real quiet and keep to yourself, unlike those other women up there so I know you won’t say anything about this;”
7. On or around March 15, 2011, you sexually harassed Tiara Smith when you placed your head in the area of Ms. Smith’s genitals;
8. On or around March 15, 2011, you sexually harassed Tiara Smith when you attempted to pull down her pants as she tried to leave your office;
9. On or around March 15, 2011, you sexually harassed Tiara Smith when you grabbed her buttocks and genitals as she tried to leave your office;
10. On or around March 15, 2011, you sexually harassed Tiara Smith when you groped her in an elevator as she tried to leave your office;
11. On or around March 15, 2011, you continued to harass Tiara Smith when you followed her out of your office and to her car, telling her, “You must not know who I am, I get what I want;”
12. You continued to harass and intimidate Tiara Smith when, on or around July 5, 2011, you located Ms. Smith in the auditorium at the Center for Learning and Leadership and sat directly behind her;

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13. Sexual harassment is explicitly prohibited by Board Policy GAEB. Additionally, Board Policy GAGC requires that you abide by professional ethical standards. The PSC's Code of Ethics for Educators, Standard 10 requires that you "follow generally recognized professional standards." Your conduct as listed herein, however, violated Board Policies GAEB and GAGC, along with the PSC's Code of Ethics for Educators;
14. Although you were aware of the rules, policies, and regulations with respect to the prohibition of sexual harassment, you intentionally violated these rules, policies, and regulations when you sexually harassed Tiara Smith.

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The allegations set forth herein, with respect to the CRCT testing improprieties and the sexual harassment, state a violation of the terms of your employment contract with APS. As discussed herein, you have violated both Board policy and the Code of Ethics for Educators; thus, you have breached your contract with APS.

Your actions and inactions as stated herein have adversely impacted your ability to be effective. You can no longer administer or proctor standardized tests. You also lack the fitness to discharge testing duties required of all District educators. Your actions further show that you have wrongfully participated in sexually harassing a female employee.

Your actions and inactions brought embarrassment, suspicion, scorn, and disrepute upon APS. Further, because of your actions, testing violations occurred and students were adversely impacted. APS has also been required to endure added expenses.

All of the above constitute Willful Neglect of Duties, Immorality, and Other Good and Sufficient Cause. Based on all of the above, the District has lost confidence in your ability to discharge your duties as an educator.

PATTERN AND PRACTICE OF IMPROPER COURSE OF CONDUCT – CRCT TESTING IMPROPRIETIES

In addition to what has been stated herein, your behavior, during other school years, provides additional support for the abovementioned charges. Although you are not being charged with these acts, they are utilized by APS to show a consistent and persistent pattern and practice of improper conduct on your part, which is directly related to the charges herein.

Over the years, you willfully neglected your duties, participated in immoral activity, and engaged in other conduct constituting good and sufficient cause, all of which had an adverse impact on APS and negatively impacted your ability to be an effective educator. In prior school years, your consistent and persistent pattern and practice of the conduct listed herein includes, but is not limited to:

1. From 2006, to and through 2009, you directed the falsification of students' attendance records. Specifically, you, with Sajuana White, Attendance Clerk, altered attendance

records to reflect that students were present, when they were not, in order to meet adequate yearly progress;

2. From 2006, to and through 2009, while principal at Parks Middle School, you instructed and insisted that teachers ensure academic targets were met by any means necessary, including, but not limited to, criminal conduct and cheating to obtain academic targets;
3. From 2006, to and through 2009, you granted Damany Lewis access to Testing Coordinator Dr. Alfred Kiel's office, for the purposes of committing testing improprieties;
4. From 2006, to and through 2009, you instructed teachers at Parks Middle School to obtain and distribute CRCT materials prior to the test administration;
5. From 2006, to and through 2009, you instructed teachers at Parks Middle School to make wrong-to-right erasures on CRCT student answer sheets;
6. From 2006, to and through 2009, you attempted to recruit teachers, including, but not limited to, Fabiola Aurelien, Tameka Grant, and Damany Lewis, to participate and commit testing improprieties with respect to the CRCT;
7. From 2006, to and through 2009, you rewarded teachers, whom you knew participated in testing improprieties on the CRCT, with cash bonuses and other monetary awards. You did this, knowing the teachers had participated in testing improprieties and knowing that the underlying data, on which the financial rewards were based, was falsified;
8. In 2007 and 2008, you accepted personal financial rewards in the form of bonuses and outside awards, knowing that the underlying data, on which the financial reward was based, was falsified;
9. You had knowledge of alleged cheating at Parks Middle School and failed to investigate, properly respond to, or report the allegations of cheating in violation of the PSC's Code of Ethics for Educators and Board Policies CB, GAGC, and JFA;
10. In 2006, you threatened two teachers, Fabiola Aurelien and Tameka Grant, with retaliation, if they failed to commit testing improprieties as you directed. Specifically, you attempted to recruit and coerce Ms. Aurelien into committing testing improprieties by offering her a promotion. You also initiated and coordinated the removal of Ms. Grant from the position of Cheerleading Coach, after she refused to assist you with CRCT testing improprieties;
11. From 2006, to and through 2009, you used the phrases, "We need those numbers" and "It's time to go," to direct teachers to the Testing Coordinator's office to change CRCT answers from wrong to right. When giving teacher instructions on changing CRCT answers, you also used the phrase, "We don't want those numbers too high;"

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12. Although you were aware of the rules, policies, and regulations with respect to the CRCT, you intentionally violated these rules, policies, and regulations when you committed testing infractions at Parks Middle School during the CRCT administration in 2006, 2007, 2008, and 2009;
13. As Principal of Parks Middle School, you were responsible for the administration, integrity, and security of the CRCT. You were charged with ensuring that the CRCT was administered in accordance with CRCT testing procedures, Board Policies GAGC and JFA, and the PSC's Code for Ethics for Educators. You intentionally permitted and ordered violations of the rules and policies mentioned herein. Your failures, as detailed in the GOSA Report and the Special Investigation Report, led to the remarkably high standard deviation for the number of wrong-to-right erasures at Parks Middle School. Furthermore, your actions and inactions have detrimentally affected your ability to be an effective teacher or principal in APS;
14. As Principal of Parks Middle School, you were directly responsible for addressing the misconduct of staff at Parks Middle School; you, however, willfully neglected your duties as Principal when you both conspired with and directed employees, many of whom have confessed to cheating on the CRCT;
15. In 2006, Investigator Reginal Dukes concluded that there were discrepancies in Parks Middle School students' attendance records and grades imputed into the SASI data system. As principal of Parks Middle School, you were directly responsible for the accuracy and integrity of these records of students;
16. Your failures caused the misrepresentation of the evaluation of Parks Middle School students to the State Department of Education with respect to the results of the CRCT in 2009 and previous years;
17. In 2006, Investigator Reginal Dukes concluded that Parks Middle School students were coached on the topics of the Eighth Grade Writing Assessment. As principal of Parks Middle School, you were directly responsible for ensuring the security of the Eighth Grade Writing Assessment; and
18. Due to your commission of testing irregularities during the administration of the 2006, 2007, 2008, and 2009 CRCTs, on October 13, 2012, the PSC found probable cause to believe that you breached the Code of Ethics and recommended a sanction of revocation of your certificate.

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APS RESERVES THE RIGHT TO AMEND THIS NOTICE TO INCLUDE ADDITIONAL CHARGES.

THE WITNESSES

The following individuals may be called to testify on behalf of APS:

1. I, Erroll Davis, Superintendent, may testify that your: (1) directing and orchestrating of cheating and testing and testing improprieties on the CRCT; (2) failure to insure the proper administration of the CRCT and/or State-mandated assessments; (3) involvement and participation in the alteration of student answer sheets and test results on CRCT and/or State-mandated assessments; and (4) involvement in sexual harassment, have resulted in a loss of confidence, which impacts your ability to be effective as an educator. I may testify regarding policies, procedures, and the ethical obligations of educators as promulgated by the Board, APS, PSC, and the State of Georgia. Additionally, I may testify regarding the reasons for recommending your termination, including the allegations set forth herein;
2. Steve Smith, Associate Superintendent, may testify that your: (1) directing and orchestrating of cheating and testing and testing improprieties on the CRCT; (2) failure to insure the proper administration of the CRCT and/or State-mandated assessments; (3) involvement and participation in the alteration of student answer sheets and test results on CRCT and/or State-mandated assessments; and (4) involvement in sexual harassment, have resulted in a loss of confidence, which impacts your ability to be effective as an educator. He may testify regarding policies, procedures, and the ethical obligations of educators as promulgated by the Board, APS, PSC, and the State of Georgia. Additionally, he may testify regarding the reasons for recommending your termination, including the allegations set forth herein;
3. Karen Walden, Deputy Superintendent for Curriculum and Instruction, may testify that your: (1) directing and orchestrating of cheating and testing and testing improprieties on the CRCT; (2) failure to insure the proper administration of the CRCT and/or State-mandated assessments; (3) involvement and participation in the alteration of student answer sheets and test results on CRCT and/or State-mandated assessments; and (4) involvement in sexual harassment, have resulted in a loss of confidence, which impacts your ability to be effective as an educator. She may testify regarding policies, procedures, and the ethical obligations of educators as promulgated by the Board, APS, PSC, and the State of Georgia. Additionally, she may testify regarding the reasons for recommending your termination, including the allegations set forth herein;
4. Tricia Rock, Administrator for Positive Behavior Support, may testify that your: (1) directing and orchestrating of cheating and testing and testing improprieties on the CRCT; (2) failure to insure the proper administration of the CRCT and/or State-mandated assessments; (3) involvement and participation in the alteration of student answer sheets and test results on CRCT and/or State-mandated assessments; and (4) involvement in sexual harassment, have resulted in a loss of confidence, which impacts your ability to be effective as an educator. She may testify regarding policies, procedures, and the ethical obligations of educators as promulgated by the Board, APS, PSC, and the State of

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Georgia. Additionally, she may testify regarding the reasons for recommending your termination, including the allegations set forth herein;

5. Kathleen Mathers, Executive Director of the Governor's Office of Student Achievement ("GOSA"), may be called to testify about GOSA's audit of the 2009 CRCT and 2010 CRCT. She may also testify about the findings regarding the wrong-to-right erasures on the 2009 and 2010 CRCT at Parks Middle School;
6. Dr. Brian Jacobs may be called to testify as an expert about GOSA's audit of the 2009 CRCT and 2010 CRCT. He may also testify regarding the analysis he conducted, with Dr. Mary Beth Walker, of the 2009 CRCT erasures. Additionally, he may testify about the findings regarding cheating on the 2009 CRCT at Parks Middle School;
7. Dr. Mary Beth Walker may be called to testify as an expert about GOSA's audit of the 2009 CRCT and 2010 CRCT. She may also testify regarding the analysis she conducted, with Dr. Brian Jacobs, of the 2009 CRCT erasures. Additionally, she may testify about the findings regarding cheating on the 2009 CRCT at Parks Middle School;
8. GBI Special Agent Rocky Bigham may be called to testify about his interview with you regarding the 2009 CRCT and your overall testing improprieties;
9. GBI Special Agent Cayce Ingalls, may be called to testify about her interview with you regarding the 2009 CRCT and your overall testing improprieties;
10. GBI Special Agent Anita Ivy may be called to testify regarding the 2009 CRCT and your overall testing improprieties;
11. GBI Special Agent Heather Strickland may be called to testify regarding the 2009 CRCT and your overall testing improprieties;
12. GBI Special Agent Latoria Reynolds may be called to testify regarding the 2009 CRCT and your overall testing improprieties;
13. Dr. Alfred Kiel, Former Testing Coordinator at Parks Middle School, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
14. Sandra Ward, Success for All Coordinator, may be called to testify regarding the improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
15. Latasha Smiley, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
16. Adrienne Powell, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;

17. Kimberly Simpson, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
18. Kimberly Oden, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
19. Dorothea Wilson, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
20. Damien Northern, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
21. Damany Lewis, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
22. Starlette Mitchell, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
23. Charles Mitchell, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
24. Crystal Draper, Teacher, may be called to testify regarding the testing improprieties you directed, orchestrated and committed on the CRCT while at Parks Middle School;
25. Tiffany Jacobs, Former Teacher, may be called to testify regarding your involvement in the testing irregularity that occurred in April 2010 during the administration of the CRCT;
26. Megan Eckert, Teacher, may be called to testify regarding your involvement in the testing irregularity that occurred in her classroom during the administration of the CRCT in April 2010. She may also testify regarding retaliation by you, as well as the threats and intimidation tactics you used when attempting to recruit teachers to commit testing improprieties;
27. Chynel Walker, Paraprofessional, may be called to testify regarding your involvement in the testing irregularity that occurred in Megan Eckert's classroom during the administration of the CRCT in April 2010;
28. Kristen Bibb, Lead Teacher for Special Education, may be called to testify regarding your involvement in the testing irregularity that occurred in Megan Eckert's classroom during the administration of the CRCT in April 2010;
29. Fabiola Aurelien, Teacher, may testify regarding retaliation by you, as well as the threats and intimidation tactics you used when attempting to recruit teachers to commit testing improprieties;

30. Tameka Grant, Teacher, may testify regarding retaliation by you, as well as the threats and intimidation tactics you used when attempting to recruit teachers to commit testing improprieties on the CRCT;
31. Tamika Butler, Teacher, may testify regarding your testing improprieties on the CRCT;
32. Stacey Webb-Johnson, Teacher, may testify regarding your involvement in the changing of students' attendance records;
33. Sajuana White, Teacher, may testify regarding your involvement in the changing of students' attendance records;
34. Robert Wilson, Governor's Special Investigator, may be called to testify regarding the Special Investigation Report and the testing improprieties at Parks Middle School in 2009 and previous years;
35. Michael Bowers, Governor's Special Investigator, may be called to testify regarding the Special Investigation Report and the testing improprieties at Parks Middle School in 2009 and previous years;
36. Richard Hyde, Governor's Special Investigator, may be called to testify regarding the Special Investigation Report and the testing improprieties at Parks Middle School in 2009 and previous years;
37. Jim Hollis, Attorney with Balch & Bingham, may be called to testify about his interview with you regarding the 2009 CRCT and your overall testing improprieties;
38. Reginal Dukes, Investigator, may testify regarding the manipulation of Parks Middle School students' attendance records and grades imputed into the SASI data system, and the investigation regarding the Eighth Grade Writing Assessment at Parks Middle School;
39. Gina Golden, Investigator, Office of Internal Compliance, may testify about her investigation of the allegations of sexual harassment stated herein and that your involvement in sexual harassment has resulted in a loss of confidence, which impacts your ability to be effective as an educator. She may testify regarding policies, procedures, and the ethical obligations of educators as promulgated by the Board, APS, PSC, and the State of Georgia. Additionally, she may testify regarding the reasons for recommending your termination, including the allegations set forth herein;
40. William Scott, Director, Office of Internal Compliance, may testify about his investigation of the allegations of sexual harassment stated herein and that your involvement in sexual harassment has resulted in a loss of confidence, which impacts your ability to be effective as an educator. He may testify regarding policies, procedures, and the ethical obligations of educators as promulgated by the Board, APS, PSC, and the

State of Georgia. Additionally, he may testify regarding the reasons for recommending your termination, including the allegations set forth herein;

41. Tiara Smith, may testify regarding your inappropriate and unwelcomed sexual harassment of her;
42. Shanette Jones, Teacher, may testify regarding your sexual pursuit of Tiara Smith;
43. Kianne Dawkins, Administrative Assistant, may testify regarding your inappropriate and unwelcomed sexual harassment of Tiara Smith;
44. Alana Bethea, Administrative Assistant, may testify regarding your inappropriate and unwelcomed sexual harassment of Tiara Smith;
45. Teya Phillips, Project Facilitator, may testify regarding your inappropriate and unwelcomed sexual harassment of Tiara Smith;
46. Mary Shepherd, Educational Specialist, may testify regarding your inappropriate and unwelcomed sexual harassment of Tiara Smith;
47. Xavier Bush, may testify regarding your meeting with Tiara Smith, on or around March 15, 2011, at your office on Cascade Road in Atlanta, Georgia; and
48. You, the APS employee/respondent in these proceedings, may be called to testify about your actions, inactions, statements, knowledge, and observations concerning the allegations in this Notice of Charges.

The Notice of Charges may be amended to include additional witnesses.

THE EVIDENCE

At the hearing, APS may seek to introduce into evidence various documents. These documents are incorporated herein by reference and include, but are not limited to, a copy of:

1. CRCT Testing Manual and Procedures and testing training materials;
2. Documents and Information Compiled by the Governor's Special Investigators;
3. Your Employment Contract;
4. The Special Investigation Report and Exhibits;
5. GOSA's Erasure Analysis of the 2009 CRCT;
6. GOSA's Erasure Analysis of the 2010 CRCT;

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7. GOSA's Wrong-to-Right Erasures by School for the 2009 CRCT;
8. GOSA's Wrong-to-Right Erasures by School for the 2010 CRCT;
9. Copies of all APS policies and PSC standards referenced herein;
10. APS records, documenting bonus payments made to you while at Parks Middle School;
11. Notes of GBI Special Agents Rocky Bigham, Anita Ivy, Heather Strickland, Latoria Reynolds, and Cayce Ingalls;
12. Employee Statement Form from Megan Eckert, regarding the testing irregularity that occurred in April 2010 during the administration of the CRCT;
13. Letter from Kelly C. Henson to Christopher Waller, Re: Disciplinary Action before the Georgia Professional Standards Commission, Case #11-8-215, dated October 20, 2011;
14. Probable Cause Case File and Summaries, Case #11-8-215;
15. 2006, 2007, 2008, 2009, and 2010 CRCT Certifications of Testing Irregularities;
16. Report of Investigator Reginal Dukes, dated May 5, 2006;
17. Statement of Sajuana White, dated May 8, 2006;
18. Office of Internal Compliance, Investigation Summary Report, Re: Tiara Smith v. Christopher Waller; and
19. Office of Internal Compliance, Investigative File, Re: Tiara Smith v. Christopher Waller.

This Notice of Charges may be amended to include additional evidence.

NOTICE OF TIME AND LOCATION OF HEARING; NOTICE OF RIGHT TO COUNSEL; NOTICE OF RIGHTS TO COMPULSORY PROCESS/SUBPOENAS

A hearing regarding my recommendation is hereby scheduled at the Center for Learning and Leadership, 130 Trinity Avenue, Atlanta, Georgia 30303 on May 8, 2012 at 10:00 am, continuing through May 9, 2012, at 10:00 am, and continuing thereafter until completion. You are entitled to be represented by counsel, and upon request, shall be furnished with compulsory process or subpoena, legally requiring the attendance of witnesses and the production of documents and other papers as provided by law. Such requests should be made as soon as possible, so that you may ensure the presence or availability of the witnesses or documents, which you desire.

With respect to the hearing, either the Board, the Board members sitting as a Tribunal, or a Tribunal of at least three impartial persons possessing academic expertise shall hear and review

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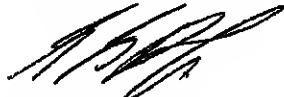
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this case. Pursuant to O.C.G.A. § 20-2-940(e)(4), a disinterested member of the State Bar of Georgia shall serve as the hearing officer to rule on evidentiary questions or other legal issues arising before the Tribunal.

You are instructed to immediately notify APS, by contacting the Office of the General Counsel at the address set forth herein, if you contend that this letter does not comply with the Fair Dismissal Act. If you have any questions regarding this matter, please contact the Office of the General Counsel at (404) 802-2801.

Sincerely,

ATLANTA PUBLIC SCHOOLS



Erroll B. Davis, Jr.
Superintendent

cc: Glenn Brock

Karen Waldon, Deputy Superintendent for Curriculum & Instruction

Larry Hoskins, Deputy Superintendent & Chief Human Resources Officer

Personnel file [REDACTED]

Office of the General Counsel